IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 531 OF 2005

Kamladevi Awadhnarayan Kesari. ... Appellant.

Versus.

R.T.Constructions. ... Respondents.

Shri Srivastava i/by Shri J.B.Singh for the Appellant.

Shri J.B.Patel for the Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 27th April, 2005.

P.C.:

1. This Appeal is by the unsuccessful Plaintiff challenging the impugned Judgment and Order by which interim relief which was granted earlier was vacated.

2. The Plaintiff/Appellant has relied upon agreement dated 2nd November 2001 which is allegedly executed by the Respondents in her favour. The learned trial Judge has recorded in the impugned order that the said agreement was shown to the Appellant. When the said agreement was shown to her, she pointed out that she cannot sign. The agreement bears alleged signature of the Appellant. Thus the Appellant herself denied execution of the agreement. Therefore, the ad-interim relief granted earlier was not extended by the learned trial Judge. Considering the fact that the Appellant has relied upon the said agreement in the plaint and before the learned trial Judge she stated that she has

not signed the agreement, the Appellant was not entitled to the equitable relief of interim injunction. There is no merit in the appeal and the same is dismissed.

3. All contentions of the parties in the pending Notice of Motion and the suit are expressly kept open.

Judge.